

TUMWATER CITY COUNCIL MEETING
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CONVENE: 7:01 p.m.

PRESENT: Mayor Pete Kmet, Councilmembers Joan Cathey, Eileen Swarthout, Ed Hildreth, Nicole Hill, Debbie Sullivan, Tom Oliva, and Neil McClanahan.

Staff: City Administrator John Doan, City Attorney Karen Kirkpatrick, Police Chief John Stines, Community Development Director Michael Matlock, Permit Manager Chris Carlson, Public Works Director Jay Eaton, Assistant City Administrator Heidi Behrends-Cerniwey, Assistant Fire Chief Jim McGarva, and Recording Secretary Valerie Gow.

ADDITIONS TO AGENDA: Mayor Kmet pulled the Puget Sound Energy Agreement from the Consent Calendar.

SPECIAL ITEMS:

**TUMWATER
TIMBERLAND
LIBRARY UPDATE:** Donna Feddern, Library Manager, Tumwater Timberland Library, introduced herself as the new Library Manager at the Tumwater Timberland Library. She introduced several features and resources available on the library's website for persons seeking jobs, increasing their skill level and education, or contemplating opening a new business. The library provides one-on-one coaching on using a computer and various computer programs. The library offers a resume class for job applicants. She encouraged everyone to explore the research section of the website.

**OLYMPIA
TUMWATER
FOUNDATION
PRESENTATION:** John Freedman, Executive Director, Olympia Tumwater Foundation, reviewed the history and the formation of the Olympia Tumwater Foundation and events and activities sponsored by the organization. The organization was established in 1950 by Peter Schmidt, son of Leopold Schmidt, founder of the Olympia Brewing Company. In 1962, Olympia Brewing Company donated Tumwater Falls Park to the Foundation for the World's Fair in Seattle as a mechanism to attract more visitors to Tumwater and the park. The park is visited by approximately 250,000 people annually. In 1993, Pabst Brewing Company donated the Schmidt House to the Foundation, which houses the archives of the Olympia Brewing Company and the Schmidt family. As part of the foundation's education program, this year's scholarship awards surpassed \$1.7 million in scholarships awards provided by the foundation to graduating seniors. The foundation is the largest scholarship provider to high school students in Thurston County. The three main programs of the foundation are

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the scholarship program, history, and Tumwater Falls Park. The foundation also provides historical support services to the City of Tumwater through a variety of mechanisms.

Mr. Freedman introduced Don Trosper as the organization's historian and principal liaison to the City. Karen Johnson is the organization's Archive Manager. Bob Crimm, Caretaker, has overseen management of the Schmidt House and grounds since 1967.

Mr. Trosper described the history programs offered by the foundation. Programs include monthly history talks (October-June), guided river walk tours, and tours of the Schmidt House. On September 25, the monthly history talk will feature the history of Tumwater Mayors.

Mr. Freedman reviewed recent efforts to attract younger individuals to visit and participate in programs offered by the foundation. The foundation is beta testing new technology through STQRY, a smart phone app to help visitors identify places of interest and through the development of a fun map featuring facilities and areas that appeal to children and their families. The map includes human figures and other design elements to add visual interest while conveying a wealth of information about the area.

To increase the visibility of the foundation and Tumwater, the foundation is branding the Tumwater Historic District in partnership with the City of Tumwater, submitting articles to travel and leisure magazines, expanding online history content, working in partnership to promote the Tumwater Craft Brewing and Distilling Center, and taking advantage of the synergy of the Schmidt, Henderson, and Crosby Houses. The foundation is planning to produce a signature event for the Tumwater Historic District and is developing an elementary school class history series at the request of Peter G. Schmidt Elementary School.

Mr. Trosper played a video of the first of several three-minute history presentations on Tumwater, the first American settlement north of the Columbia located at the southern tip of Puget Sound.

**PUBLIC
COMMENT:**

Pamela Hanson (undisclosed address) commented on the increased drug usage and its negative impacts on communities.

**CONSENT
CALENDAR:**

- a. Approval of Minutes: Regular Meeting, September 1, 2015; Worksession, August 25, 2015

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- b. Payment of Vouchers
- c. Ordinance No. O2015-006, Puget Sound Energy Franchise Agreement - *Pulled*
- d. Astound Broadband Conduit Lease Agreement
- e. Contract Award: 2015 Pavement Maintenance and Traffic Calming Improvements

MOTION: Councilmember McClanahan moved, seconded by Councilmember Sullivan, to approve the consent calendar as amended. Motion carried.

Mayor Kmet reviewed the items approved on the consent calendar.

**PUBLIC
HEARINGS:**

**RESOLUTION NO.
R2015-012,
DEVELOPMENT
AGREEMENT
AMENDMENT – 27
ACRE PROPERTY
AT THE NW
CORNER OF
ISRAEL ROAD AND
I-5:**

Manager Carlson presented the proposed amendment to an existing Development Agreement for a 27-acre property. The resolution amends the Development Agreement associated with a Tumwater Comprehensive Plan amendment and rezone. The Council approved rezoning the 27-acre property from Mixed Use to General Commercial in March 2013, subject to a development agreement between the property owner and the City. The agreement included some restrictions on building size, a requirement to construct 40 residential units of housing at the northwest end of the property, an increase in buffer requirements from adjacent residential uses, and providing a trail through the property. In August 2014, the Council amended the original Development Agreement affording the property owner the choice of either providing 40 residential units or land for a park of 2.4 acres in size. Another change included additional restrictions on lighting for the site.

In December 2014, the original owner sold the property and interests to BGR Holdings LLC. The new owner contacted the City to inquire about amending the Development Agreement.

The proposed amendment removes the requirement to provide 40 residential units or land for a park in the northwest corner of the site, maintains additional restrictions for lighting controls on the property, adds substantial buffers to the trail requirement through the site to protect adjacent residential uses, provides a public use and maintenance easement to the City for the trail, and adds a requirement to dedicate approximately 2.5 forested acres located on the southern boundary of the site to the City of Tumwater.

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Mayor Kmet opened the public hearing at 7:54 p.m.

**PUBLIC
TESTIMONY:**

Perry Shea, SCJ Alliance, said the company has been involved with the property to assist the owner in the site plan review. Some of the other elements associated with the development include the use of low impact development treatments for stormwater. He displayed a preliminary conceptual landscape plan of the site. A large building will be centered on the property. The developer is extending Tyee Drive from the north end of the property along the property frontage ending at Israel Road. The City is extending the segment from the end of the property frontage to Israel Road. Long-term City plans include the addition of a roundabout at Israel Road. The extension provides an important link to Israel Road and relieves traffic pressure off Trosper Road, Capitol Boulevard, and Littlerock Road. It also provides an additional connection link to the interchange when the road is extended to Tumwater Boulevard.

The trail is 12-foot wide with two-foot shoulders within a 30-foot easement on the north end of the property with pocket parks featured in transition areas as the trail meanders through the property extending to Littlerock Road and continuing along the western edge of the site connecting to a sidewalk and bicycle facility on the new Tyee Drive extension. Low impact development techniques would be featured throughout the site using rain gardens versus traditional stormwater conveyance and piping. Rain gardens provide water quality treatment with underground infiltration systems collecting the water. The proposal includes enhanced buffering and landscaping, extension of Tyee Drive, and a trail amenity - all great assets that make the project a win-win for the City and the community.

Councilmember Hill asked whether the pocket parks and the trail include lighting. Mr. Shea said the parks and trail include lower level lighting.

City Administrator Doan clarified that the prior requirement was to provide land for a park with the City responsible for developing the property into a park. Additionally, from a practical perspective, an easement versus ownership of the trail system is sensible because of the difficulty in developing a legal description of a meandering trail. An easement provides full access to the City to maintain the trail.

Mayor Kmet submitted two emails for the public hearing record. The first was from Jackie Kettman-Thomas about concerns regarding

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adequate buffering between the development and residential neighborhoods. The second email from Nancy Partlow addressed concerns about light pollution, preservation of the forested tract, and landscaping requirements required of the developer.

Manager Carlson responded to the concerns surrounding buffers between the development and residential neighborhoods. Along the north boundary of the development, the area is adjacent to residential and mixed uses. The owner is required to provide a Type 1 site barrier buffer, which is a 10-foot wide planting area with a combination of evergreen trees or fencing or a solid row of 6' high evergreen trees at the time of planting. The west side of the property requires a Type 2 buffer of an 8-foot planter strip with a combination of deciduous and evergreen trees and shrubs. Near the western property line is another undeveloped parcel of property zoned Mixed Use, which allows commercial and residential uses. When the property develops, the developer would be required to meet the City's landscaping requirement to add a Type 1 landscaping buffer adjacent to residential uses and a companion Type 2 buffer along the east boundary to match the Type 2 buffer on the large developed site.

Councilmember Cathey asked whether the developer could elect to plant trees or install a fence. Manager Carlson affirmed the developer has the option between fencing, trees, or a combination of both. If the developer elects to install a fence, the City also requires plantings within the 10' buffer. Installation of a fence also requires tree plantings as well. Councilmember Cathey questioned the location of the fence in terms of whether the fence is located adjacent to the residential neighborhood. Manager Carlson said there is no requirement in terms of the location of the fence; however, developers typically install the fence along the property line with the buffer placed on the property.

Manager Carlson addressed Ms. Partlow's concerns. The City has the most restrictive lighting ordinance in Thurston County. The ordinance requires all exterior lighting to be fully shielded with cutoff fixtures. The lighting is limited to a height of 24 feet. The City also requires maximum foot candles at property line with light not allowed to extend beyond .1 foot candle at the property line of adjacent properties. The Development Agreement includes a provision requiring the property owner a choice to turn off half of the lights between the hours of 10 p.m. and 6 p.m. or reducing the light output by 50%.

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Mayor Kmet commented on the potential of the dealership involved in a sales transaction near the 10 p.m. hour. Manager Carlson noted that with today's technology, many companies are using exterior free-standing photo cell lights (motion activated). The lights can be programmed to reduce lighting levels by 50% between those hours. If a transaction occurred later in the evening, the light would be activated by motion.

Councilmember Hill asked how the City enforces compliance of the light standards during the development process. Manager Carlson reported the developer is required to submit a photometric lighting plan developed by an electrical engineer designed for the site depicting the location of all exterior lights and the foot candle measurement on the ground for each light fixture. After development, light complaints received by the City are handled through the City's enforcement process.

Manager Carlson addressed the comment concerning the forested buffer on the south side of the property and whether it's included within the extension of Tyee Drive. The graphic depicts the dedication of land for the road and open space. The 2.5 acres the owner is dedicating does not include the roadway dedications.

Additionally, outdoor loud speakers are not as an allowed use. The use was disallowed during the text amendment to allow auto sales.

Mr. Shea reported a preliminary photometric lighting plan has been prepared. It's difficult to manage the lighting needs for an auto dealership with large display areas, as well as meeting the zero-foot candle requirement. The plan demonstrates how the development has met the requirements. Around the entire perimeter of the north and west side, light output conforms to the zero foot candle requirement as the lights are placed inward to the property. Additionally, the note on the illustration designating the area for the 2.5 acre parcel for the tree open space and the road actually pertains to Israel Road when the frontage is developed along Israel Road. Some additional land is included in that area.

Councilmember Oliva said Ms. Partlow also mentioned that the photometric plan doesn't account for the light cast downward on highly reflective automobiles. Manager Carlson said the City's ordinance doesn't address those situations other than the light extension beyond the property line. Mayor Kmet noted that the property owner must still meet the standard of .1 candle light at the

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property boundary regardless of the source of light. Councilmember Oliva asked how the City would enforce that type of situation if the light extends beyond the property line because of light reflecting off automobiles. Manager Carlson said the City would likely use a light meter to measure light creep beyond the property boundary. Councilmember Oliva suggested the City should adopt some provisions for occasional enforcement inspections especially during the opening days of the dealership to ensure the standards are met.

Mayor Kmet closed the public hearing at 8:15 p.m.

MOTION: Councilmember McClanahan moved, seconded by Councilmember Hill, to approve the proposed changes to the Development Agreement for the 27-acre property at the NW corner of Israel Road and I-5. Motion carried unanimously.

**COUNCIL
CONSIDERATIONS:**

**PUGET SOUND
ENERGY
FRANCHISE
AGREEMENT:** Mayor Kmet referred to an email from Jim Oberlander questioning the completion of the sidewalk fronting the PSE substation at the end of Ferry Street. His concern pertains to Puget Sound Energy not constructing the sidewalk in spite of the magnitude of work completed on the PSE substation.

Mayor Kmet invited a PSE representative to address the concerns.

**PUBLIC
COMMENT:** Amy Tousley, Municipal Manager, Puget Sound Energy, 2711 Pacific Avenue SE, said she's unsure whether Mr. Oberlander's comment was received by the City when the public hearing record was still open regarding the franchise agreement. The PSE project complied with the City's codes and the project did not require frontage improvements for a sidewalk. This issue was addressed previously several years ago and she is concerned that the issue is being addressed again. It would be a misappropriation of ratepayer funds if PSE had constructed the sidewalk. The frontage improvement was not required for the project. She looks forward to working with the City on frontage improvements as part of the undergrounding plan. She hopes that the issue is not being weighed against the agency in moving forward on the franchise agreement. She also feels that she has been put on the spot inappropriately regarding the matter, as she understood the matter had been closed.

Mayor Kmet expressed appreciation to Ms. Tousley for addressing the issue. A number of improvements were made to the substation several

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years ago. The issue was whether PSE has exceeded the threshold for required frontage improvements. Staff determined that the percentage of the cost improvement did not exceed the threshold and the sidewalk wasn't required. He suggested staff should consider the threshold percentage as well as the dollar value during the review of the City's design guidelines. It's possible to have a very expensive facility that requires expensive improvements but wouldn't trigger the frontage improvement requirement, which should be evaluated.

MOTION: **Councilmember McClanahan moved, seconded by Councilmember Oliva, to approve Ordinance No. O2015-006, Puget Sound Energy Franchise Agreement. Motion carried unanimously.**

THURSTON COUNTY FIRE CHIEF'S ASSOCIATION AGREEMENT FOR FIRE TRAINING PROGRAMS: Assistant Fire Chief McGarva reported the agreement is with the Thurston County Fire Association to continue the department's participation in the Thurston County Fire Recruit School. The program provides training to volunteer firefighters over a 9-week training course. Volunteer firefighters complete the mini-recruit program, which introduces them to basic fire operations. The program teaches participants basic pump operations and operating fire safety equipment. The joint effort is also cost effective for members.

MOTION: **Councilmember Oliva moved, seconded by Councilmember Sullivan, to approve Thurston County Fire Chiefs Association Agreement for Fire Training Programs. Motion carried unanimously.**

PUBLIC SAFETY: There was no meeting and no report.
Ed Hildreth

GENERAL GOVERNMENT: There was no meeting and no report.
Joan Cathey

PUBLIC WORKS: The committee reviewed requests to solicit bids & award contracts for Palermo Wellfield Redevelopment, T Street Park Improvements, and 2015 Pavement Maintenance and Traffic Calming Improvements.
Neil McClanahan

BUDGET AND FINANCE: The next meeting is in October to review human services funding applications.
Pete Kmet

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**MAYOR/CITY
ADMINISTRATOR'S
REPORT:**

Mayor Kmet reported on a recent contact to the City by Uber, a taxi service interested in providing service to the three cities. The City of Olympia is working on an agreement with the company. The intent is to negotiate a joint agreement with Uber and the three cities for the provision of services.

**COUNCILMEMBER
REPORTS:**

Nicole Hill:

Animal Services is hosting the annual "Bow Wow Boogie event on September 25 at the Jacob Schmidt House in Lacey. Funds raised during the auction support the Thurston County Animal Shelter.

The Lodging Tax Advisory Committee is meeting on September 21 and 23 to consider tourism funding applications.

Debbie Sullivan:

Councilmember Sullivan encouraged citizens to consider attending the Tumwater Citizens Police Academy.

Tom Oliva:

Councilmember Oliva attended meetings of the Thurston Regional Planning Council and the LOTT Clean Water Alliance Board. The Board released the Capital Operating Budget for 2016. Karla Fowler, Communications and Environmental Policy Director, received a national 2015 WateReuse Award of Excellence award during a conference in Seattle.

Neil McClanahan:

The Alliance for Healthy South Sound meeting focused on posturing around the magnitude of upcoming studies. Members are working with other groups on strategies and near-term actions. Members viewed a slide presentation from representatives of the South Puget Sound Salmon Enhancement Group. The Alliance is seeking state and federal funding assistance.

The Association of the U.S. Army did not meet during the month.

Thurston County Housing Task Force members met with the Homeless Citizens Advisory Council, which conducts the annual homeless census. The groups plan to merge. The group was established in January 1987 with Councilmember McClanahan serving as chair for 23 years.

The HOME Consortium continues its work on the agenda for the retreat scheduled on October 12. A number of representatives from

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the three groups representing Thurston Thrives, Community Investment Partnership, and the HOME Consortium are discussing the possibility of consolidation for collaborating in the future.

Ed Hildreth:

The Olympia-Lacey-Tumwater Convention and Visitors Bureau Board recently hired Shawna Stewart as the new director of the VCB. Ms. Stewart is an Olympia native. She has degree from Western Washington University and a master's degree from The Evergreen State College. Ms. Stewart worked several years ago for the VCB in sales and marketing.

The TCOMM Board held a special meeting and supported the Nominating Committee's recommendation to offer the director position to a candidate.

Eileen Swarthout

Members of Tumwater United for Families (TUFF) were introduced to Jacob Erwin, the new Recreation Program Aid. He is assisting Tumwater with Tumwater Youth Programs and other youth activities.

In August, TOGETHER with Tumwater Middle School sponsored a sports physicals and immunization clinic. Over 500 participants attended with over 200 sports physicals provided. The Boys and Girls Club provided snacks for the event.

Joan Cathey:

The Solid Waste Advisory Committee continued its review of the organics chapter within the Thurston County Solid Waste Plan. Members discussed input from the City of Lacey on the plastic bag ban. The Lacey representative was very clear in terms of the City's position. The City is also depending on the extensive survey to be initiated next spring. Members discussed innovations Thurston County may implement in the near term.

The CIP meeting was extensive and the discussions were very detailed. Members discussed the invitation from the HOME Consortium and the nonprofit community to discuss the roles of each group involving funding, policies, and overlapping in October during an all day retreat. Most members of the CIP plan to attend. Members also reviewed the Memorandum of Understanding (MOU) scheduled to expire. Members discussed some of the provisions of the agreement involving conflict of interest, establishing some standards for the review panels, and increasing the ½ of 1% each jurisdiction contributes to the fund to 1%. Members also discussed some of the provisions in the MOU for evaluating measurable goals and promising practices to improve the purpose, clarity, and guidance.

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Mayor Kmet offered to provide some examples of different models for conflict of interest provisions.

**RECESS TO
EXECUTIVE
SESSION:**

Mayor Kmet recessed the meeting to an executive session at 8:51 p.m. for 10 minutes to discuss potential real estate acquisition pursuant to RCW 42.30.110(1)(b).

**RECONVENE &
ADJOURNMENT:**

Mayor Kmet reconvened and adjourned the meeting at 9:03 p.m.

Prepared by Valerie L. Gow, Recording Secretary/President
Puget Sound Meeting Services, psmsoly@earthlink.net